**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

**TUESDAY, THE SEVENTH DAY OF DECEMBER**
**TWO THOUSAND AND FOUR**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE M.NARAYANA REDDY**

**WRIT PETITION No.12221 of 2004**

Between:

Mohd.Maqdoom Saheb,

S/o Md.Amir Ali,
District Chief Commissioner,

R/o 23-2-427/1, Moghalpura,
Hyderabad-500 002.

..... PETITIONER

AND

1 The Govt., of A.P., rep., by its Chief Secretary,

A.P.Secretariat, Hyderabad.
2 The Secretary to Government, Civil Supplies Department,
Govt., of A.P., Secretariat, Hyderabad.
3 Smt. Shalini Mishra, IAS, Commissioner,

A.P.S.Civil Supplies Corporation Ltd.,
Civil Supplies Bhavan, Somajiguda, Hyderabad.
4 Dr.Manmohan Singh, IAS, Commissioner of Tribal Welfare,
T.S.Bhavan, Masab Tank, Hyderabad.
5 The Bharat Scouts & Guides, rep., by its National

Commissioner, National Headquarters,

Lakshmi Mazumdar Bhavan,
16, Mahatma Gandhi Marg, Indraprastha Estate,

P.B.No.7043, New Delhi-110 002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 & 2 in not preventing the respondents No.3 & 4 from actively participating in the running of the 5th respondent organisation in the State of Andhra Pradesh which is a Non Government organisation as arbitrary, illegal and violative of Art.14 of the Constitution of India and further direct the respondents 1 and 2 to restrain the respondents 3 & 4 from involving in the running of the 5th respondent's organisation and obeying the orders of the respondent No.5 since they are Government servants

**Counsel for the Petitioner : Sri M.Vijay Kumar**

**Counsel for the Respondents 1 & 2 : Govt. Pleader for Civil Supplies**

**Counsel for the Respondents No.3 to 5: Sri Nuty Rama Mohan Rao**

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

This is a petition purported to have been filed in public interest by the District Chief Commissioner of Bharat Scouts and Guides, Andhra Pradesh, making grievance

that respondents 3 and 4 have been asked by the Governor of Andhra Pradesh to enquire into the affairs of Bharat Scouts and Guides. Respondents 3 and 4 are I.A.S. officers and Government servants, according to the petitioner, cannot hold a private position and take assistance of any Government official in conducting the enquiry. Petitioner has made reference to the Civil Services (Conduct) Rules that respondents 3 and 4 are prohibited from working in any capacity outside their official duties and thus, they are misusing their powers. Petitioner states that Government was apprised of the conduct of respondents 3 and 4 in conducting enquiry, but no action has been taken, therefore he has no option but to file this writ petition.

Respondent No.1 is the State of Andhra Pradesh represented by its Chief Secretary; respondent No.2 is Secretary to Government, Civil Supplies Department; respondent Nos.3 and 4 at the relevant time were Commissioner, Andhra Pradesh State Civil Supplies Corporation Limited and Commissioner of Tribal Welfare, respectively, and respondent No.5 is Bharat Scouts and Guides. On behalf of respondent No.2, counter-affidavit has been filed by S.Chandrasekhara Rao, Assistant Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, Andhra Pradesh. It is stated that respondent No.2 is not connected with the affairs of Bharat Scouts and Guides in any manner and respondent No.2 is also not connected with the appointment of respondent Nos.3 and 4 to look after the affairs of Bharat Scouts and Guides. He states that Government has considerable financial stakes in fifth respondent organisation and Governor of Andhra Pradesh in his capacity as President had appointed third respondent as Enquiry Officer to conduct enquiry into the allegations of grave financial irregularities, corruption, misappropriation etc., levelled against some of the functionaries/employees and services of some of the employees of Civil Supplies Department had been drafted to assist her in the enquiry. It is also stated that there is no bar in the Civil Services (Conduct) Rules that Government servants cannot hold honorary posts in voluntary

service organisations.

Petitioner is District Chief Commissioner of Bharat Scouts and Guides and filing of such petition questioning the deployment of respondents 3 and 4 to enquire into the allegations of grave financial irregularities, corruption, misappropriation etc., levelled against some of the functionaries and employees of fifth respondent organisation of which, of course, petitioner is one of them, cannot be termed by any stretch of imagination to be in public interest. It is a mala fide petition filed only to flout the enquiry being conducted by the Governor and President of fifth respondent organisation. In case honorary services of Government servants are sought, same cannot be said to be contrary to Civil Services (Conduct) Rules.

Writ Petition is dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

07-12-2004

bsc

To

1 The Chief Secretary,

Govt., of A.P.,

A.P.Secretariat, Hyderabad.

2 The Secretary to Government, Civil Supplies Department,
Govt., of A.P., Secretariat, Hyderabad.

3 The National Commissioner, Bharat Scouts & Guides,

National Headquarters,

Lakshmi Mazumdar Bhavan,
16, Mahatma Gandhi Marg, Indraprastha Estate,

P.B.No.7043, New Delhi-110 002.

4 2CCs to Govt. Pleader for Civil Supplies, High Court

buildings, Hyderabad (OUT)

5. 2 C.D. copies